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December 15, 2000

VIA HAND DELIVERY

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Magalie Roman Salas
Secretary
Federal Communications Commission
The Portals - TW-A325
445 Twelfth Street, S.W.
Washington, DC 20554

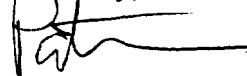
Re: Ex Parte
CC Docket No. 96-98 /

Dear Ms. Salas:

Pursuant to Section 1.1206(b) of the Commission's rules, 47 C.F.R. Section 1.1206(b), this letter provides notice that on December 14, 2000 Julia Strow, Vice President - Regulatory, CBeyond Communications, Jonathan Askin, General Counsel, Association for Local Telecommunications Services, and myself met with Michelle Carey, Jon Reel, Jodie Donovan, Ben Childers, and Ellen Burton of the Common Carrier Bureau concerning issues in the above-captioned proceeding. We presented the view set forth in the attached document.

Two copies of this letter are attached.

Sincerely,

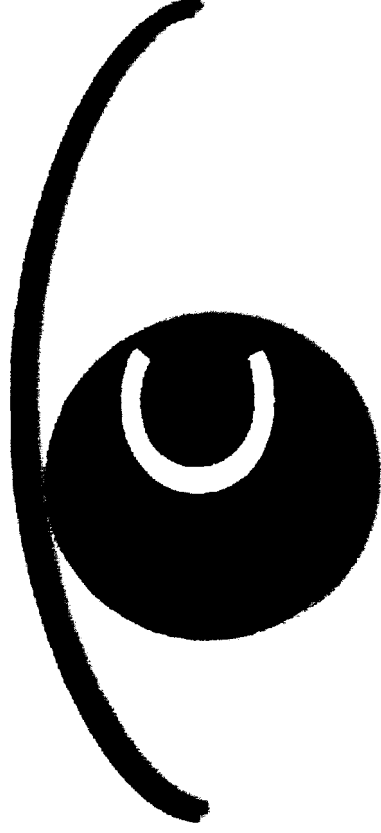


Patrick J. Donovan

cc: Michelle Carey
Jon Reel
Jodie Donovan
Ben Childers
Ellen Burton

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BEYOND COMMUNICATIONS

Julia O. Strow

Vice President - Regulatory

CC Docket No. 96-98

December 14, 2000



Company Overview

Cbeyond Communications is a Broadband Applications Service Provider (BASP) and is certificated as a local and long distance service provider

Initial service offering is local and long distance voice and Internet-based applications - - Cbeyond will provide "big business tools" to small business customers

Cbeyond is a facilities-based service provider with "smartest" build network deployment strategy - - will utilize unbundled loops and collocations in addition to a complementary EEL strategy

Cbeyond will begin offering service in January, 2000 to customers in Atlanta - - orders for new EEL combinations and collocation space in progress

Cbeyond's target customer is 5 to 25 lines



Summary of Cbeyond Position

Cbeyond supports the FCC's November 1999 order in the UNE Remand permitting ILECs to obtain relief from providing local switching as a UNE to CLECs serving customers with four or more lines in Zone 1 of the top 50 MSAs

The Commission should maintain the voluntary condition that new combinations of EELs be made available to competitive carriers from ILECs seeking relief of the local switching UNE requirement



Cbeyond Local Switching Position

THE COMMISSION SHOULD MAINTAIN THE FOUR LINE THRESHOLD

The pro-competitive policies of the FCC have served to foster facilities-based innovation - - innovation that has continued to place pressure on competitors to serve customers with lower line counts in a cost effective manner

Cbeyond is entering the market to serve customers with 5 to 25 lines - - Cbeyond's base package is a five line package

Cbeyond exemplifies that the Commission's policies have worked to drive the number of lines that can be served by CLECs lower and lower

Raising the number of lines would not provide the proper incentives for local competition as facilities-based CLECs would be discouraged from investing in more efficient networks if UNE-P could be used to serve small business customers with greater than four lines



Cbeyond Position on EELs

THE VOLUNTARY EEL CONDITION SHOULD BE MAINTAINED

EELs promote facilities-based competition by expanding the market reach of a facilities-based CLEC

Greater market reach allows CLECs to serve customers that would not otherwise be served

New EELs remove the operational and financial barriers to entry that are created by the conversion of special access to EELs - - more importantly new EELs prevent the potential for customer service disruption that may occur during the conversion process

Because the EEL is a voluntary condition, there is no conflict with current law

Premature to conclude that special access conversions are a sufficient substitute for the voluntary EEL condition - - at a minimum more experience is needed with conversion process



Conclusion

The Commission should continue to promote the pro-competitive policies that have fostered facilities-based local competition and maintain the provisions as adopted in its November, 1999 UNE Remand order

The Commission should not raise the four line threshold given the evidence that facilities based competitors are serving customers with as few as five lines

The Commission should maintain the voluntary EEL condition